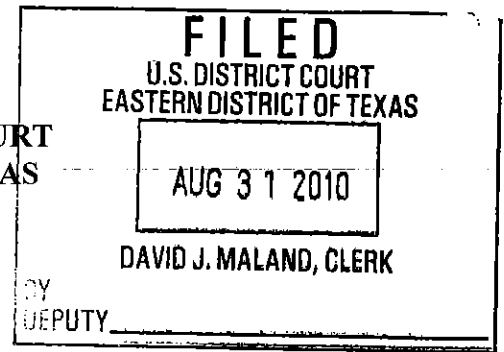


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**



DIANA BLASINGAME, individually and §
and as next friend of E.B., §

Plaintiff §

VS. §

CASE NO. 4:09cv342

MICHAEL BLASINGAME and §
RENEE BLASINGAME, §
Defendants §

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 20, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint Pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure Based on a Lack of Personal Jurisdiction (Dkt. 22) should be GRANTED and that the claims against Monty Blasingame be dismissed for lack of jurisdiction.

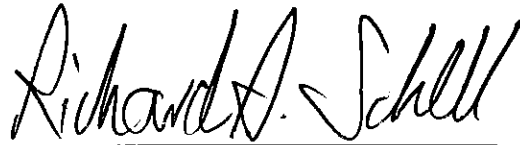
Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the court. Therefore, Defendant's Motion to Dismiss Plaintiff's Second Amended Complaint

Pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure Based on a Lack of Personal Jurisdiction (Dkt. 22) is GRANTED and the claims against Monty Blasingame are dismissed for lack of jurisdiction.

Plaintiff's claims against Defendant Michael Blasingame remain pending at this time.

IT IS SO ORDERED.

SIGNED this 31st day of Aug., 2010.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style with a large initial "R".

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE